

Senate Bill 162

By: Senators Grant of the 25th and Williams of the 19th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to change provisions related to certain professions and businesses; to repeal Code Section 43-16-4, relating to surety bonds relative to firearms dealers, and designate it as reserved; to change certain provisions related to the registration of armed employees; to authorize security guards and detectives to obtain individual licensure for employment; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by revising Code Section 43-16-4, relating to surety bonds relative to firearms dealers, as follows:

"43-16-4.

~~There shall be filed with the application for a license under this chapter a bond for the sum of \$1,000.00, payable to the State of Georgia and conditioned upon the faithful performance of all provisions of this chapter, signed by the applicant as principal, and with a surety company or two individuals as securities. Such bond must be approved by the department.~~ Reserved."

SECTION 2.

Said title is further amended by revising Code Section 43-38-7, relating to registration of armed employees, qualifications, continuing education, fingerprints, registration card, and suspension, as follows:

"43-38-7.

(a) Any ~~licensee~~ employer may employ as many agents, guards, watchmen, or patrolmen as he or she deems necessary for the conduct of his or her business, provided that such

employees meet the requirements and qualifications for ~~registration~~ licensure under this chapter.

(b)(1) Except as provided in paragraph (2) of this subsection, within ~~30~~ 180 days of ~~hiring such agents, operators, assistants, guards, watchmen, or patrolmen, the licensee completing board mandated prelicensure training, potential licensees~~ shall make application to ~~register such employees~~ be licensed with the board.

(2) Any guard, watchman, or patrolman who will be unarmed and who will be employed in the private security business shall not be ~~registered~~ required to be licensed by the board but shall be governed by Code Section 43-38-7.1.

(c)(1) Except as otherwise provided in paragraph (2) of subsection (b) of this Code section, upon being satisfied of the ~~employee's~~ applicant's character, competency, and eligibility for ~~registration~~ licensure, the board may ~~register~~ license such ~~employee applicant~~ if her or she:

(A) Is ~~The employee is~~ at least 18 years of age;

(B) Is ~~The employee is~~ a citizen of the United States or a registered resident alien;

(C) Is ~~The employee is~~ of good moral character;

(D) Has ~~The employee has~~ not been convicted of a felony or any crime involving the illegal use, carrying, or possession of a dangerous weapon or any crime involving moral turpitude; provided, however, that, if the ~~employee applicant~~ employee applicant has been convicted of such crime, or has entered a plea of nolo contendere to such crime, or has entered a plea pursuant to Article 3 of Chapter 8 of Title 42 or otherwise been granted first offender treatment, the board may inquire into the nature of the crime, the date of conviction or plea, and other underlying facts and circumstances surrounding such criminal proceedings and, in its discretion, may allow the ~~employee applicant~~ employee applicant to be ~~registered~~ licensed;

(E) Has ~~The employee has~~ not committed an act constituting dishonesty or fraud; and

(F) Meets ~~The employee meets~~ such other qualifications as the board may prescribe by rule.

(2) The board shall be authorized to require continuing education as a condition of renewal for all persons required to be licensed or registered with the board under this chapter. The board shall be authorized to promulgate rules and regulations addressing the requirement for continuing education and circumstances for which a waiver of this requirement may be granted.

(d) The license application ~~for registration~~ shall be made in writing, under oath, and on a form to be furnished by the division director. The application shall state the ~~employee's~~ applicant's full name, age, and date and place of birth; residences and employment within the past five years; experience in the position applied for or held; the date and place of

conviction or arrest for any crime, including the entry of a plea of nolo contendere or the entry of a plea entered pursuant to Article 3 of Chapter 8 of Title 42 or other first offender treatment; and such other information as the board may require. The license application ~~for registration~~ shall be accompanied by two sets of fingerprints of the ~~employee~~ applicant and one photograph of the ~~employee~~ applicant, two inches wide by three inches high, full face, and taken within six months prior to the application. The board shall have discretion to deny ~~registration~~ a license to any individual when the information and supporting documentation required by this subsection are not provided.

(e) Upon granting ~~an application for registration~~ a license pursuant to this Code section, the board shall so notify the ~~employer-licensee~~ licensee. An employer ~~The employer-licensee~~ shall notify the board within 30 days of the hiring or termination of employment of any ~~registered employees~~ employee licensed under this Code section.

(f) Upon receipt of a ~~registration~~ license card issued by the board pursuant to this chapter, the ~~registrant~~ licensee shall maintain said card on his person at all times while on his post or at his place of employment and at all times when the ~~registrant~~ licensee wears a uniform in the course of his employment in the private detective or private security business.

(g) Notwithstanding any other provisions of this Code section, any person who is to be ~~registered~~ licensed under this Code section shall agree in writing on the application that if such person ~~to be registered~~ makes a false statement in the application or if such person ~~has been~~ is found to have been convicted of a felony and has not had all his or her civil rights restored pursuant to law, then the board shall be authorized to suspend any ~~registration~~ license granted to such ~~applicant~~ person without a prior hearing as required in Code Section 43-38-11. Upon request, any such person shall be entitled to a hearing on such matter subsequent to the suspension."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.